

A-3930 - Application No. 10/799,098
Response to Office action September 18, 2008
Response submitted November 14, 2008

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1, 3-8, 12, 13, and 15-17 remain in the application.

Claims 1, 3, 6, 15, and 16 have been amended. Claims 2, 9-11, and 14 were previously cancelled.

In item 1 on page 2 of the above-identified Office action, claims 3-5 and 15 have been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner has stated that it is unclear if the "a sheet transport direction" in claim 3 is that of claim 1.

Claim 3 has been amended so as to further clarify the claim. Therefore, the rejection of claim 3 has been overcome.

The Examiner stated that claim 15 depends from cancelled claim 14. Claim 15 has been amended so as to further clarify the claim. Therefore, the rejection of claim 15 has been overcome.

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It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

In item 2 on page 3 of the above-identified Office action, claims 1 and 3 have been rejected as being fully anticipated by Heine et al. (U.S. Patent No. 4,522,388) (hereinafter "Heine") under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found in Figs. 1-3 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

reducing an adhesion force between two sheets following one another in the overlapping stream by lifting a sheet trailing edge of a first sheet with a blown air jet from a first nozzle aimed in the sheet transport direction blown out substantially tangentially over the first sheet, and lifting the sheet trailing edge of the first sheet by blowing under the sheet from behind the sheet with a second nozzle spaced apart from the first nozzle in the transport direction.

The Heine reference discloses that an auxiliary blower (80) is located above the sheet path. The auxiliary blower is adjustable in the sheet path transport direction and it is pivotable about an axis. Therefore, Heine discloses the possibility to adjust the auxiliary blower. Heine discloses that the blower (80) may be a plurality of closely spaced nozzles extending the **width** of the sheet, or the blower may be a continuous slit extending across the **width** of the sheet. Heine does not disclose using two separate nozzles spaced apart from one another in a sheet transport direction to respectively blow substantially tangentially over the top of a sheet and beneath a sheet.

The reference does not show reducing an adhesion force between two sheets following one another in the overlapping stream by lifting a sheet trailing edge of a first sheet with a blown

air jet from a first nozzle aimed in the sheet transport direction blown out substantially tangentially over the first sheet, and lifting the sheet trailing edge of the first sheet by blowing under the sheet from behind the sheet with a second nozzle spaced apart from the first nozzle in the transport direction, as recited in claim 1 of the instant application. Heine discloses a nozzle at a single position along the transport direction. Heine does not disclose to blow tangentially over the top of a sheet and beneath a sheet from behind the sheet with separate nozzles disposed at different positions in the transport direction. This is contrary to the present invention as claimed, which recites reducing an adhesion force between two sheets following one another in the overlapping stream by lifting a sheet trailing edge of a first sheet with a blown air jet from a first nozzle aimed in the sheet transport direction blown out substantially tangentially over the first sheet, and lifting the sheet trailing edge of the first sheet by blowing under the sheet from behind the sheet with a second nozzle spaced apart from the first nozzle in the transport direction.

Since claim 1 is allowable over Heine, dependent claim 3 is allowable over Heine as well.

In item 3 on page 4 of the above-identified Office action, claims 6, 7, 12, 13, 16, and 17 have been rejected as being fully anticipated by DiNatale et al. (U.S. Patent No. 6,863,272) (hereinafter "DiNatale") under 35 U.S.C. § 102. Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 6 calls for, *inter alia*:

the lifting device including at least one nozzle with an air jet aimed in a sheet transport direction substantially tangentially over the first sheet of the overlapping stream, and the lifting device having a free jet nozzle in addition to the nozzle, the free jet nozzle being disposed upstream of the at least one nozzle in the sheet transport direction, and the free jet nozzle being aimed at the overlapping sheet stream obliquely from above in the sheet transport direction.

Claims 16 calls for, *inter alia*:

a second lifting apparatus disposed above a first sheet of the overlapping stream and downstream of the first lifting apparatus in a sheet transport direction, the second lifting apparatus being an air jet aimed in the sheet transport direction substantially tangentially over the first sheet of

the overlapping stream, the second lifting apparatus having at least one nozzle, and the second lifting apparatus having a free jet nozzle in addition to the nozzle, the free jet nozzle being aimed at the overlapping sheet stream obliquely from above in the sheet transport direction.

On page 4 of the Office action the Examiner stated that DiNatale discloses a lifting device including at least one nozzle (upper part of 416) and a free jet nozzle (including 415).

It is noted that claim 6 of the instant application requires that the free jet nozzle is disposed upstream of the at least one nozzle. However, DiNatale discloses that the nozzles of element "415" (free jet nozzle) is disposed downstream of the nozzles of element "416" (at least one nozzle) in the sheet transport direction. Therefore, DiNatale does not disclose that a free jet nozzle is disposed upstream of at the at least one nozzle.

As seen from the above-given remarks, the reference does not show the lifting device including at least one nozzle with an air jet aimed in a sheet transport direction substantially tangentially over the first sheet of the overlapping stream, and the lifting device having a free jet nozzle in addition to

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the nozzle, the free jet nozzle being disposed upstream of the at least one nozzle in the sheet transport direction, and the free jet nozzle being aimed at the overlapping sheet stream obliquely from above in the sheet transport direction, as recited in claim 6 of the instant application.

Since claim 6 is allowable over DiNatale, dependent claims 7, 12, 13, and 17 are allowable over DiNatale as well.

The following further remarks pertain to claim 16 of the instant application.

On page 5 of the Office action the Examiner stated that DiNatale discloses a first lifting apparatus (including 58) and a second lifting apparatus (including 140).

It is noted that claim 16 requires that the second lifting apparatus be disposed downstream of the first lifting apparatus in a sheet transport direction. However, DiNatale discloses that the element "140" (second lifting apparatus) is disposed upstream of the element "58" (first lifting apparatus). Therefore, DiNatale does not disclose that a second lifting apparatus (as required in claim 16) is disposed downstream of a first lifting apparatus.

As seen from the above-given remarks, the reference does not show a second lifting apparatus disposed above a first sheet of the overlapping stream and downstream of the first lifting apparatus in a sheet transport direction, the second lifting apparatus being an air jet aimed in the sheet transport direction substantially tangentially over the first sheet of the overlapping stream, the second lifting apparatus having at least one nozzle, and the second lifting apparatus having a free jet nozzle in addition to the nozzle, the free jet nozzle being aimed at the overlapping sheet stream obliquely from above in the sheet transport direction, as recited in claim 16 of the instant application.

In item 4 on page 6 of the Office action, claim 4 has been rejected as being obvious over Heine (U.S. Patent No. 4,522,388) and further in view of Jeschke (U.S. Patent No. 4,886,261) under 35 U.S.C. § 103. Jeschke does not make up for the deficiencies of Heine. Since claim 1 is allowable, dependent claim 4 is allowable as well.

In item 5 on page 7 of the Office action, claim 5 has been rejected as being obvious over Heine (U.S. Patent No. 4,522,388) and further in view of Schwebel (U.S. Patent No. 3,624,807) under 35 U.S.C. § 103. Schwebel does not make up

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for the deficiencies of Heine. Since claim 1 is allowable, dependent claim 5 is allowable as well.

In item 6 on page 8 of the Office action, claim 8 has been rejected as being obvious over DiNatale (U.S. Patent No. 6,863,272) and further in view of Keller (U.S. Patent No. 3,556,519) under 35 U.S.C. § 103. Keller does not make up for the deficiencies of DiNatale. Since claim 1 is allowable, dependent claim 8 is allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 6, or 16. Claims 1, 6, and 16 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 6, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-16 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

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If an extension of time for this paper is required, petition
for extension is herewith made.

Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

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